

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 20186 of 2005(C)

PETITIONER:

**REX THOMAS, 1/5, AMAYIL,
MANGALM GARDENS, THRISSUR EAST,
(VOLUNTARY RETIREMENT, PROFESSOR OF PEDIATRIC
SURGERY MEDICAL COLLEGE, THRISSUR.)**

BY ADV. SRI.M.K.CHANDRA MOHANDAS.

RESPONDENTS:

- 1. GOVERNMENT OF KERALA, REPRESENTED BY
THE SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR, DIRECTORATE OF MEDICAL
EDUCATION, THIRUVANANTHAPURAM.**
- 3. THE PRINCIPAL, MEDICAL COLLEGE,
THRISSUR.**

BY SR. GOVERNMENT PLEADER SRI. NANDAKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.20186/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (RT). NO. 2371/2002/H&FWD DTD. 03/10/2002 OF THE GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE (B) DEPARTMENT.

EXT.P.2: COPY OF THE LETTER NO. E1-15842/2001/MCTR DTD. 22/04/2002 FROM THE PRINCIPAL, MEDICAL COLLEGE, THRISSUR TO THE PETITIONER.

EXT.P.3: COPY OF THE ORDER NO. F5/28880/01/DME DTD. 04/02/2003 OF THE DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.

EXT.P.4: COPY OF THE LETTER NO. F5/28880/01/DME DTD. 24/05/2003 FROM THE DIRECTOR, DIRECTORATE OF MEDICAL EDUCATION, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM TO THE PETITIONER.

EXT.P.5: COPY OF THE REQUEST DTD. 29/07/2003 FROM THE PETITIONER TO THE DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.

EXT.P.6: COPY OF THE REQUEST DTD. 17/02/2004 FROM THE PETITIONER TO THE DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.

EXT.P.7: COPY OF THE REQUEST DTD. 17/03/2005 FROM THE PETITIONER TO THE DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.

EXT.P.8: COPY OF THE LETTER NO. F5-28880/01/DME DTD. 12/05/2005 FROM THE DIRECTOR, DIRECTORATE OF MEDICAL EDUCATION, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM TO THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

V.GIRI,J.

W.P.(C) No. 20186 of 2005

Dated this the 24th day of September, 2007

JUDGMENT

The petitioner retired from service voluntarily, with effect from 15.3.2002, while he was working as a Professor of Pediatric Surgery. The grievance in the writ petition essentially relates to non-disbursal of DCRG. Apparently, earlier, proceedings were contemplated for fixation of liability on the petitioner arising from an alleged irregular purchase of I.V.Sets from the open market. In the counter affidavit filed by the Government, reference is made to the proceedings which are pending before the Government for finalisation of the liability.

2. When the matter is taken up for hearing today, learned Senior Government Pleader Mr.Nandakumar makes available a copy of G.O.Rt No.3367/06/H&FWD dtd.20.11.2006 wherein it is held as follows:

"Having examined the matter in detail, Government are pleased to ratify the action of Dr.Rex Thomas, former Superintendent, Medical College Hospital, Thrissur in having purchased IV sets at higher rates from DGS&D rate contract firm considering the fact he had done this in good intention and he had done this in the best interest of the health of the patients and as per the recommendation of the Director of Medical Education in this regard.

The Director of Medical Education should take steps to release his DCRG urgently".

3. In the light of the said Government Order, it is clear that no liability is proposed to be fastened on the petitioner, at any rate, it is more than three years after the retirement of the petitioner. Therefore, DCRG due and admissible to the petitioner will be disbursed to him, within a period of one month from the date of receipt of a copy of this judgment, if not already disbursed.

The writ petition is disposed of as above.

V.GIRI, JUDGE



W.P.(C)No.20186/2005

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